

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Anya S. Duke,

Plaintiff

v.

Esq. Mary-Anne Miller, et al.,

Defendants

2:15-cv-00404-JAD-CWH

**Order Denying Motion to Stay and  
Closing Case**

**[ECF 15]**

Pro se plaintiff Anya S. Duke sues defendants for injuries she allegedly sustained when a Clark County District Court door struck her in the face.<sup>1</sup> When Magistrate Judge Hoffman recommended that I deny Duke's third application for pauper status,<sup>2</sup> Duke objected.<sup>3</sup> I considered Magistrate Judge Hoffman's findings and conclusions *de novo*, adopted his report and recommendation, overruled Duke's objections, and denied her application.<sup>4</sup> I ordered Duke to pay the full filing fee by December 7, 2015.

Instead of paying the filing fee, Duke filed an "objection" to my order, reiterating that she should not be required to pay the full filing fee because she is disabled.<sup>5</sup> I treated her objection as a request for relief from a final order under FRCP 60(b) and denied it.<sup>6</sup> I warned Duke "that she has exhausted her avenues in the district court to challenge the denial of her requests for in forma pauperis status" and I gave her one final chance to pay the fee by December 18, 2015, or have her

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<sup>1</sup> ECF 1-1.

<sup>2</sup> ECF 8.

<sup>3</sup> ECF 9 at 3.

<sup>4</sup> ECF 11.

<sup>5</sup> ECF 12.

<sup>6</sup> ECF 14.

1 case dismissed.<sup>7</sup> She also asked that I certify my order for appeal. I explained that she “did not need  
2 me to certify my order as ‘final’ under Rule 54(b) for her to appeal it; it was appealable as soon as it  
3 was entered.”<sup>8</sup>

4 Duke did not pay the fee. Instead she filed yet another request for relief from the payment  
5 obligation and another request for me to certify my order for appeal.<sup>9</sup> Nothing in this renewed  
6 motion has persuaded me to change my prior rulings, and I will not reiterate my analysis again here.<sup>10</sup>  
7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that **Duke’s Motion to stay**  
9 **Order of Denial of Authorization to Proceed in Forma Pauperis and Request for Compliance**  
10 **with FRCP 4.3B [ECF 15] is DENIED. If Duke desires to continue to challenge this court’s**  
11 **denial of her request for pauper status, SHE MUST PRESENT THAT CHALLENGE TO**  
12 **THE COURT OF APPEALS.** Any future motion Duke files with this court seeking that relief will  
13 be summarily denied for the reasons explained in my December 8, 2015, order.

14 Dated this 19th day of January, 2016

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17 Jennifer A. Dorsey  
18 United States District Judge  
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25 <sup>7</sup> *Id.*

26 <sup>8</sup> *Id.*

27 <sup>9</sup> ECF 15.

28 <sup>10</sup> I incorporate herein my previous order, ECF 14.